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CATALINA YACHTS, INC.
7 and Counter-Defendants RUSSELL L.
BERNEY and JEAN C. BUTLER
8

9 **UNITED STATES DISTRICT COURT**
10 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**
11

12 CATALINA YACHTS, INC., a
California corporation,

13 Plaintiff,

14 v.

15 SHARON DAY, an individual;
16 GERARD DOUGLAS, an individual;
and DOES 1 through 10, inclusive,

17 Defendant.
18

Case No. 2:25-cv-04090-SVW-RAO

Assigned to The Hon. Stephen V.
Wilson

**DECLARATION OF MICHAEL C.
LIEB IN SUPPORT OF PLAINTIFF
AND COUNTER-DEFENDANT
CATALINA YACHTS, INC.'S
OPPOSITION TO COUNTER-
PLAINTIFF SHARON DAY'S
MOTION FOR LEAVE TO AMEND**

*[Concurrently filed with Opposition to
Motion for Leave to Amend]*

Date: January 12, 2026

Time: 1:30 p.m.

Crtrm.: 10A

22 AND RELATED COUNTERCLAIMS
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Action Filed: May 7, 2025
Trial Date: February 17, 2026

DECLARATION OF MICHAEL C. LIEB

I, Michael C. Lieb, declare as follows:

1. I am an attorney duly admitted to practice before this Court. I am a partner with Ervin Cohen & Jessup LLP, attorneys of record for Plaintiff/Counter-Defendant Catalina Yachts, Inc. (“Catalina”) and Counter-Defendants Russell L. Berney and Jean C. Butler. I have personal knowledge of the facts set forth herein and if called as a witness, I could and would competently testify to the matters stated herein. I make this declaration in support of Opposition to Counter-Plaintiff Sharon Day’s Motion for Leave to Amend.

2. Attached hereto as **Exhibit 1** is a true and correct copy of the document bates stamped CAT002641-42, which was produced during discovery by Catalina.

3. Attached hereto as **Exhibit 2** is a true and correct copy of the document bates stamped CAT002956, which was produced during discovery by Catalina.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on this 22nd day of December, 2025, at Beverly Hills, California.



Michael C. Lieb

EXHIBIT 1

ASSIGNMENT OF
AGREEMENT FOR THE PURCHASE
AND
SALE OF REAL PROPERTY

THIS ASSIGNMENT OF AGREEMENT FOR THE PURCHASE AND SALE OF REAL PROPERTY ("Assignment") is entered into as of this 23, day of July, 2024, between, Catalina Yachts, Inc. ("Assignor") and Catalina Investments, LLC, ("Assignee").

WITNESSETH:

WHEREAS, on the 24th day of April 2024, Assignor entered into an Agreement for the Purchase and Sale of Real Property (the "Purchase Agreement") with Prometheus Development Property, LLC. ("Buyer") and the Purchase Agreement was subsequently assigned to Prometheus Maritime Properties, LLC on May 31, 2024; and

WHEREAS, Assignor has agreed to assign to Assignee all of Assignor's right, title, and interest in and to the Purchase Agreement and the property described therein (the "Property") all as hereinafter set forth.

NOW THEREFORE, the parties hereto agree as follows:

1. The foregoing recitals are hereby incorporated by this reference.
2. Assignor hereby assigns and transfers to Assignee all of Assignor's right, title, and interest in and to the Purchase Agreement and the Property.
3. Assignee hereby accepts the foregoing assignment of the Purchase Agreement and the Property and agrees as of the date thereof to perform and be bound by all the terms, covenants, and conditions of the Purchase Agreement to be observed, kept, or performed by Assignor.

[SIGNATURES ON FOLLOWING PAGE]

IN WITNESS WHEREOF, the parties hereto have executed this Assignment as of the date and year first above written.

"Assignor"

CATALINA YACHTS, INC., a California corporation

By: Sharon Day
Sharon Day, President

"Assignee"

CATALINA INVESTMENTS, LLC, a Florida limited liability company

By: _____
Jean Butler, Manager

EXHIBIT 2

From: thom coxsanchez.com <thom@coxsanchez.com>

To: Alicia Otten <AOtten@firstam.com>

CC: Andy George <ageorge@prometheuspartners.com>, maria coxsanchez.com <maria@coxsanchez.com>, "Sharon Day" <Sharon@catalinayachts.com>, "decorstoremreese@gmail.com" <decorstoremreese@gmail.com>

Subject: Order 1217449 (101 16th Avenue South) CATALINA to PROMETHEUS

Date: Thu, 11 Jul 2024 17:05:51 +0000

Attachments: ALTA_Commit_for_Title_Ins_(7-1-21)-FL_(002).pdf

Inline-Images: image001.jpg; image002.png; image003.png

Alicia,

I represent Catalina Yachts Inc, the sellers of the property in the above transaction.

My clients are electing to exercise their option to assign this contract and to initiate a 1031 exchange. Please note that Catalina Yachts, Inc will be transferring the property to a wholly owned entity called Catalina investments, LLC, a Florida limited liability company. This new LLC will accept assignment of the contract and will complete the transaction with Prometheus Maritime Properties, LLC. Please modify your title commitment and related closing documents to reflect the changes in this transaction.

I will prepare the necessary documents to complete the title transfer from Catalina Yachts Inc to Catalina Investments, LLC to include a warranty deed, closing affidavits, corporate resolutions, lease assignments, bill of sale and standard closing affidavits next week. I will provide you a copy of the documents once executed and sent off for recording. The limited liability seller will continue to utilize the 1031 services through Genesis exchange. I will also provide the necessary title documents to comply with Schedule B-I (4).

I apologize for the late notice on this transaction.

Thom

Thomas F. Cox, Esq.



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From: Alicia Otten <AOtten@firstam.com>

Sent: Wednesday, July 10, 2024 11:14 AM

To: thom coxsanchez.com <thom@coxsanchez.com>

Subject: First American Title shared 7 documents with you for Order 1217449 (101 16th Avenue South)